

UNITED STATES DISTRICT COURT  
for the  
District of Alaska

Petition for Warrant or Summons for Defendant Under Supervised Release

**Name of Defendant:** Jeremy Lee Smith

**Case Number:** 3:12-CR-00080-03-RRB

**U.S. Marshals Service No.:** 16705-006

**Name of Judicial Officer:** Honorable Ralph R. Beistline, Senior United States District Judge

**Date of Original Sentence:** June 4, 2013

**Original Offense:** Counts 7 and 9, Wire Fraud in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2, Class C felonies

**Original Sentence:** Counts 7 and 9, 28 months on each count to run concurrently, followed by three years of supervised release on each count, to run concurrently.

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 03/30/2017

**Assistant U.S. Attorney:** Andrea T. Steward

**Defense Attorney:** Charles W. Coe

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PETITIONING THE COURT

- ☐ To issue a warrant  
☒ To issue a summons

The probation officer believes the defendant has violated the following condition(s) of Supervised Release:

<u>Violation Number</u>	<u>Nature of Non-compliance</u>
1	The defendant violated the Mandatory Condition of Supervision "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 12 tests per month as determined by the probation officer," in that on May 3, 2018, the defendant admitted to using marijuana on April 29, 2018, as evidenced by a signed admission form. This is a Grade C violation.
2	The defendant violated the Mandatory Condition of Supervision "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 12 tests per month as determined by the probation officer," in that on May 3, 2018, the defendant reported to the probation office for a urine test and was later found to have a device in his possession, which he admitted was intended to defeat the urine testing process. This is a Grade C violation.

Petition for Warrant or Summons for Defendant Under Supervised Release

DEFENDANT: Jeremy Lee Smith

CASE NUMBER: 3:12-CR-00080-03-RRB

U.S. Probation Officer Recommendation:

The term of Supervised Release should be:

☒ Revoked

☐ Extended for \_\_\_\_\_ year, for a total term of \_\_\_\_\_ years.

☐ The conditions of Supervised Release should be modified as follows:

Although the defendant has a history of failure to appear, the defendant is assessed as a relatively low risk of nonappearance based upon his stable housing in Anchorage, Alaska, his employment as a tattoo artist with Unique Ink, and his willingness to participate in substance abuse treatment.

The defendant is assessed as a danger to the community based upon his history of narcotics use, his recent use of marijuana, his history of probation violations, and his prior criminal history, which contains arrests and convictions for felony assault, felony misconduct involving a controlled substance, failure to stop at the direction of an officer, theft, felony misconduct with weapons, numerous arrests for misdemeanor assault, driving offenses, shoplifting, burglary, and robbery.

Due to the defendant's stable housing and employment in Anchorage, Alaska, it is respectfully recommended the defendant be summoned to appear in Court.

The defendant's criminal history category at the time of sentencing was V, and the aforementioned allegations are Grade C violations, which carry an advisory sentencing guideline range of seven to 13 months. The defendant's statutory maximum term of imprisonment is two years based on the original class of offense being a Class C felony.

Respectfully submitted,

s/Paula L. McCormick

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Paula L. McCormick  
U.S. Probation Officer  
May 11, 2018

Approved by:

s/Beth A. Mader

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Beth A. Mader

Supervisory U.S. Probation Officer

UNITED STATES DISTRICT COURT  
for the  
District of Alaska

UNITED STATES OF AMERICA

vs.

JEREMY LEE SMITH

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)  
) Case Number: 3:12-CR-00080-03-RRB  
)

) DECLARATION IN SUPPORT OF PETITION  
)

I, Paula L. McCormick, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of Supervised Release for Jeremy Lee Smith, and in that capacity declare as follows:

On June 4, 2013, the defendant appeared before the Honorable Ralph R. Beistline, Senior U.S. District Judge and was sentenced to 28 months imprisonment, followed by three years of supervised release for two counts of Wire Fraud. The defendant's term of supervision began on March 30, 2017.

On May 3, 2018, the defendant reported to the probation office for a urine test, after providing a dilute sample on May 2, 2018. The defendant informed the probation officer taking the urine sample that he was unable to provide a urine specimen, and wanted to speak with this officer. The defendant was instructed to wait in the lobby, but before this officer could speak with him, the defendant left the lobby area and was seen by security staff leaving the federal building. This officer called the defendant and instructed him to report back to the probation office, which the defendant complied with.

Once the defendant returned to the probation office, the defendant again refused to provide a urine sample, but admitted to this officer he had smoked marijuana on April 29, 2018. The defendant signed a voluntary admission form, admitting to the use of marijuana. This officer asked the defendant why he had left the probation office and he reported he was late for work. This officer asked the defendant if he had driven to the probation office and the defendant stated he had taken public transportation. While this officer was speaking with the defendant, U.S. Probation Officers (USPO) searched the outside parking areas for the defendant's girlfriend's vehicle, which the defendant is known to drive. In a parking area outside the Federal Building, USPOs found the girlfriend's vehicle and officers could see in plain view, what appeared to be a urine device in the vehicle. The vehicle plates were run through the Alaska Public Safety Information Network (APSIN), and the vehicle came back registered to the defendant's girlfriend. Authorization was obtained to search the vehicle and the defendant provided the keys to this officer.

The defendant was present for the search of the vehicle and found in the vehicle was a device, which consisted of a bag with tubing attached, with a yellow substance in the bag, along with a small amount of marijuana in the trunk area of the vehicle. The defendant admitted to the use of the device and then provided a valid urine sample, which tested positive for marijuana. The defendant was allowed to leave the probation office for his employment.

Due to the defendant's admissions to the use of marijuana and the attempted use of a urine device, in addition to the defendant's stable housing and full-time employment, it is respectfully recommended the defendant be summoned to appear in Court.

DECLARATION IN SUPPORT OF PETITION

DEFENDANT: Jeremy Lee Smith

CASE NUMBER: 3:12-CR-00080-03-RRB

Executed this 11<sup>th</sup> day of May 2018 at Anchorage, Alaska, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

s/Paula L. McCormick

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Paula L. McCormick

U.S. Probation Officer